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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,551	09/10/2003	Patrick L. Kurzeja	60,130-1839; 03MRA0243	3098

26096 7590 09/21/2004

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,551

Applicant(s)

KURZEJA, PATRICK L.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 01 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030910</u> . | 6) <input type="checkbox"/> Other: _____  |

*Drawings*

1. The drawings June 1, 2004 are objected to because:
  - a. Reference numeral 10 appears in the description (see page 2), but fails to appear in the drawings.
  - b. Reference numeral 36 fails to appear in Figure 4 as described at paragraph 17.
  - c. Reference characters 52, 64, and L2 appear in the drawings, but not in the description.
  - d. It is not clear what feature is identified by the lowermost numeral 70 in Fig. 4.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because:

- a. At page 3, line 22 the reference numeral 24 should be changed to 34.
- b. At page 3, line 23 the reference numeral 77 is described as identifying a seal.

However, the seal is identified by numeral 42 at line 4 and in Fig. 5 reference numeral 77 does not appear to indicate a seal.

4. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:

- a. Claims 7 & 8: all limitations therein
- b. Claim 11, lines 3 & 4: "said forward driveshaft comprising a configurable segment"

*Claim Objections*

5. Claim 2 is objected to because it is not clear whether the "vehicle driveshaft" in line 3 is the same as, or different from the "configurable driveshaft" in line 1.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 2 recites that the length of the configurable segment corresponds to the overall length of a vehicle driveshaft. No such description appears in the specification. To the contrary, Figs. 2 & 5 clearly show that length L2, L3 of the configurable segment 36, 78 is less than the overall length L1, L4 of a vehicle driveshaft 24, 80.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Burton, US 5,299,982. Fig. 1 shows a driveshaft assembly comprising: a male component 12, 20; and a female component 14, 24, 26 in engagement with the male component, the female component comprising a tubular configurable segment 26 between a female yoke 14 and a receptacle member 24.

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10. Claims 1-3, 5-8, 10-13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mangas et al, US 5,716,276. Fig. 3 shows a drivetrain assembly comprising a transmission/first axle 102; a forward/interaxle driveshaft 100 connected to the transmission/first axle, the forward/interaxle driveshaft comprising a tubular configurable segment 116 between a female yoke 118 and a receptacle member 110; and an axle/second axle 104 connected to the forward/interaxle driveshaft.

11. Claims 1-3, 5-8, 10-13 & 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marcum, US 1,847,348.

12. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, US 5,634,853. Figs. 1 & 2 shows a drivetrain assembly comprising a transmission/first axle 11; a forward/interaxle driveshaft 10 connected to the transmission/first axle, the forward/interaxle driveshaft comprising a tubular configurable segment 27 between a female yoke 30 and a receptacle member 52; and an axle/second axle 34 connected to the forward/interaxle driveshaft. Fig. 2 shows the configured segment 27 has at least one beveled edge.

### *Conclusion*

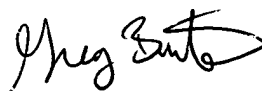
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,557,659 B1 shows a drivetrain assembly.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679